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ACTION ARA-10

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TO SECSTATE WASHDC 0381

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E.O. 11652: XGDS-2
TAGS: SHUM, PINS, AR
SUBJECT: AMNESTY INTERNATIONAL REPORT ON ARGENTINA

REF: STATE 088046

1. EVALUATION OF AMNESTY REPORT DEPENDS UPON SEPARATION OF SUBSTANCE OF THIS PARTICULAR REPORT FROM MORE GENERAL IMPRESSIONS OF EACH READER ABOUT INDEPENDENCE OR BIAS OF AMNESTY AS AN ORGANIZATION. MANY CRITICS IN ARGENTINA FEEL REPORT IS NOT BALANCED IN SENSE IT DOES NOT ADDRESS TERRORISM OF GUERRILLA GROUPS AND THEIR RECORD OF HUMAN RIGHTS VIOLATIONS EXCEPT IN A BRIEF INTRODUCTORY REFERENCE INTENDED FOR BACKGROUND PURPOSES AND ONE OR TWO OTHER PASSAGES. REPORT'S INTRODUCTION INCLUDES UNSYMPATHETIC HISTORY OF LEFTIST AND RIGHTIST TERRORIST GROUPS AND LISTS MORE NOTABLE ATROCITIES OF MONTONEROS AND ERP SINCE 1976 MILITARY COUP, BUT REPORT TAKEN ALONE DOES NOT, AND OBVIOUSLY DOES NOT PRETEND TO, PROVIDE FULL UNDERSTANDING OF SITUATION IN ARGENTINA. AMNESTY WOULD INSIST, HOWEVER, THAT IT FOCUS IS, AND MUST BE, ON CRIMES COMMITTED BY GOVERNMENTS AGAINST THEIR OWN CITIZENS AND NOT UPON THOSE OF OUTLAW TERRORIST ORGANIZATIONS.

2. IF ATTENTION IS FOCUSED ON SUBSTANCE BY THIS PARTICULAR

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REPORT, SETTING ASIDE ARGUMENT OVER AMNESTY ITSELF AS AN ORGANIZATION AND ITS SELECTIVE POLICY OF ATTACK ON HUMAN RIGHTS VIOLATIONS OF GOVERNMENTS ALONE, WE CANNOT TAKE ISSUE WITH GENERAL CONSLUSIONS OR RECOMMENDATIONS OF REPORT.

3. ASSESSMENT OF SECURITY LAWS ISSUED BY-GOA IS FOR MOST PART REASONABLE. ESTIMATE OF NUMBERS OF KNOWN POLITICAL PRISONERS ON PAGE 17 IS VERY CLOSE TO ICRC REGISTERED FIGURE OF 4,250. AMNESTY ESTIMATE OF TOTAL NUMBER OF POLITICAL PRISONERS IN COUNTRY, GIVEN AS 5000 TO 6000, IS REASONABLE, AS LONG AS IT IS UNDERSTOOD THAT TERM "POLITICAL PRISONERS" IN FACT INCLUDES PERSONS WHO MUST BE ACKNOWLEDGED TO BE TERRORIST SUSPECTS (BASED ON WIDELY RANGING DEGREES OF EVIDENCE), HARD-CORE TERRORISTS, OTHERS CONSIDERED BY THE GOA AS GUILTY OR SUSPECTED OF OTHER CRIMES, AND AN UNKNOWN NUMBER OF INNOCENTS.

4. IN DISCOUNTING ROLE OF JUDICIARY AS A CONTROL OR CHECK UPON THE EXECUTIVE, REPORT MIGHT HAVE ACKNOWLEDGED SEVERAL EFFORTS OF CERTAIN FEDERAL JUDGES TO INJECT ELEMENTS OF DUE PROCESS INTO PROCEDURES OF STATE OF SIEGE, EVEN IF THESE EFFORTS WERE LARGELY UNSUCCESSFUL.

5. AMNESTY ESTIMATES CONCERNING DISSAPPEARANCES APPEAR TO BE WITHIN REASONABLE RANGE, ALTHOUGH OF COURSE ALL OBSERVERS MUST GUESS; GOA DOES NOT RELEASE STATISTICS AND SOME PART OF DISAPPEARANCES ARE PROBABLY, AS IT CLAIMS, VOLUNTARY ACTIONS OF PERSONS WHO FOR ONE REASON OR ANOTHER DO NOT WISH TO DISCUSS STATUS WITH GOA.

6. TREATMENT OF DETENTION CONDITIONS, TORTURE, INVOLUNTARY REPATRIATION OF REFUGEES AND PRESENCE OF FOREIGN SECURITY PERSONNEL IN ARGENTINA IS BASED PRIMARILY ON TESTIMONY GIVEN AMNESTY BY VICTIMS, AND THUS AUTOMATICALLY RAISES QUESTION OF RELIABILITY. HOWEVER, TESTIMONY APPEARS FOR [REDACTED]
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MOST PART TO BE ACCURATE REFLECTION OF CONDITIONS AS WE UNDERSTAND THEM.

7. LISTS OF PERSONS DISAPPEARED, "CASE HISTORIES", ETC., APPEAR TO BE CONSERVATIVE COMPILATIONS. WHILE WE CANNOT CONFIRM INFORMATION IN A MAJORITY OF CASES, OVERALL IMPRESSION

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IS ACCEPTABLE.

8. AMNESTY'S RECOMMENDATIONS (INSPECTION VISIT BY UN, PUBLICATION OF PRISONER LISTS, APPLICATION OF MINIMUM STANDARDS OF TREATMENT OF PRISONERS, PUNISHMENT OF THOSE RESPONSIBLE FOR ILLEGAL "DEATH SQUAD" KILLINGS, CESSATION OF TORTURE, INVESTIGATION OF DISAPPEARANCES, AND PROTECTION OF REFUGEES) ARE REASONABLE AND NOT DISSIMILAR TO RECOMMENDATIONS MADE BY US TO ARGENTINE OFFICIALS IN THE PAST.
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